

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JAMES D. HELTERBRAND, : Case No. 3:17-cv-122
Plaintiff, : District Judge Thomas M. Rose
vs. : Magistrate Judge Sharon L. Ovington
NANCY A. BERRYHILL, :
COMMISSIONER OF SOCIAL :
SECURITY, :
Defendant. :

DECISION AND ENTRY

This case is presently before the Court on the parties' Joint Motion to Remand. (Doc. #8). The parties stipulate and petition this Court to order remand of this case for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g) and to enter judgment pursuant to Federal Rule of Civil Procedure 58. Upon remand, the Appeals Council will vacate all findings in the Administrative Law Judge's decision. The Commissioner will conduct further proceedings and develop the administrative record as necessary to determine whether Plaintiff is disabled within the meaning of the Social Security Act, including offering Plaintiff a new hearing before an Administrative Law Judge, and then issue a new decision.

IT IS THEREFORE ORDERED THAT:

1. The parties' Joint Motion to Remand (Doc. #8) is **ACCEPTED**;

2. The Clerk of Court is directed to enter Judgment in Plaintiff's favor under Fed. R. Civ. P. 58;
3. This matter is **REMANDED** to the Social Security Administration, pursuant to the fourth sentence of 42 U.S.C. § 405(g), for further consideration consistent with this Decision and Entry and the parties' stipulation; and
4. The case is terminated on the docket of this Court.

IT IS SO ORDERED.

Date: September 25, 2017

**s/Thomas M. Rose*

Thomas M. Rose
United States District Judge